



PATENT  
Docket No.: 19603/1559 (CRF D-2052C)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Pang et al.  
Serial No. : 09/943,215  
Cnfrm. No. : 9965  
Filed : August 30, 2001  
For : DNA CONSTRUCT TO CONFER  
MULTIPLE TRAITS ON PLANTS

Examiner  
A.R. Kubelik

Art Unit:  
1638

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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING SECOND PATENT APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, Cornell Research Foundation, Inc., is the owner of one hundred percent (100%) interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, filed prior to the grant of any patent granted on pending second U.S. Patent Application Number 09/025,635, filed on February 18, 1998. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in

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the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The assignee of the entire right, title and interest of the above-identified application, hereby confirms that an assignment for the subject application was recorded on February 19, 1999, at Reel 9698/Frame 0282 in the U.S. Patent and Trademark Office.

The undersigned has reviewed all the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

Enclosed is a check for \$55 to cover the terminal disclaimer fee under 37 CFR § 1.20(d). Please charge any additional fees or credit any overpayment to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: June 9, 2003



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Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450, on the date below.	
<u>June 9, 2003</u> Date	<u>Jo Ann Whalen</u> Jo Ann Whalen